



PUBLIC NOTICE

US Army Corps
of Engineers
New York District, CENAN-OP-R
Upstate Regulatory Field Office
1 Buffington Street, Bldg. 10, 3rd Floor
Watervliet, New York 12189-4000

In replying refer to:
Public Notice Number: 2005-667-WDA
Issue Date: January 15, 2008
Expiration Date: February 15, 2008

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S. C. 1344).

APPLICANT: Mariaville Peat Company
11814 Mariaville Road
Pattersonville, New York 12137

ACTIVITY: Discharge fill material into waters of the United States to facilitate the continued operation and expansion of a peat mine.

WATERWAY: Wetlands Associated with an Unnamed Tributary to South Chuctanunda Creek
(Mohawk River Watershed)

LOCATION: Along State Highway 159, in the Town of Duanesburg, Schenectady County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO THE ATTENTION OF ANDREW DANGLER AT THE ABOVE ADDRESS, OR SENT VIA ELECTRONIC MAIL TO ANDREW.C.DANGLER@usace.army.mil TO REACH THIS OFFICE BEFORE THE BY THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

CENAN-OP-RW
PUBLIC NOTICE NO. 2005-00667-WDA

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

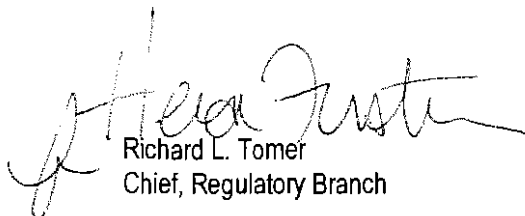
Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. In a letter dated February 22, 2006, the New York State Office of Parks, Recreation and Historic Preservation indicated that the proposed project would have No Impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places (06PR00877). Presently unknown archeological, scientific, prehistorical or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to any required water quality certificate, the applicant has obtained or requested the following governmental authorization for the activity under consideration: Mined Land Reclamation Permit (Grandfathered Activity) from the New York State Department of Environmental Protection.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (518) 266-6356 and ask for Andrew Dangler.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Richard L. Tomer
Chief, Regulatory Branch

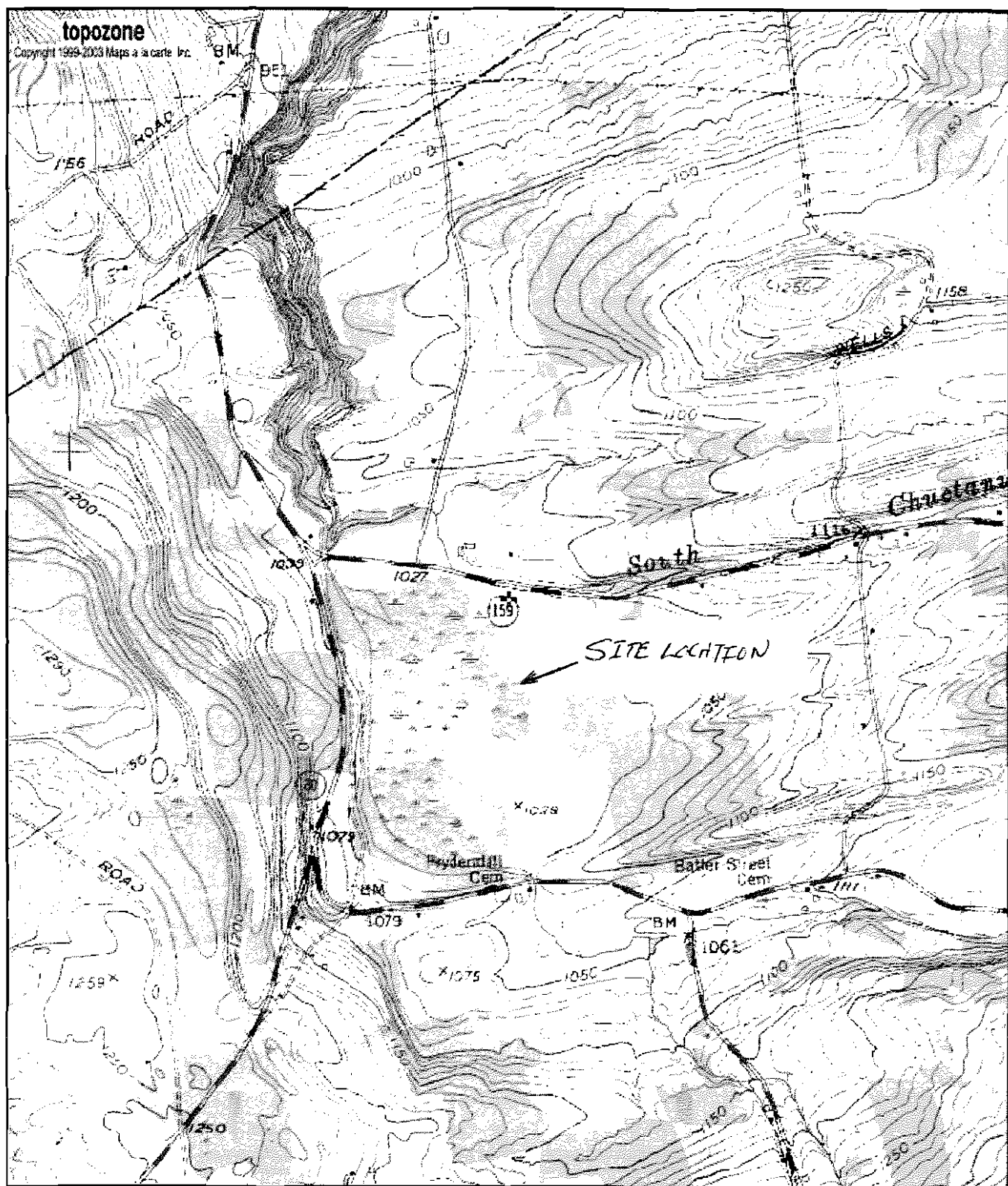
Enclosures

WORK DESCRIPTION

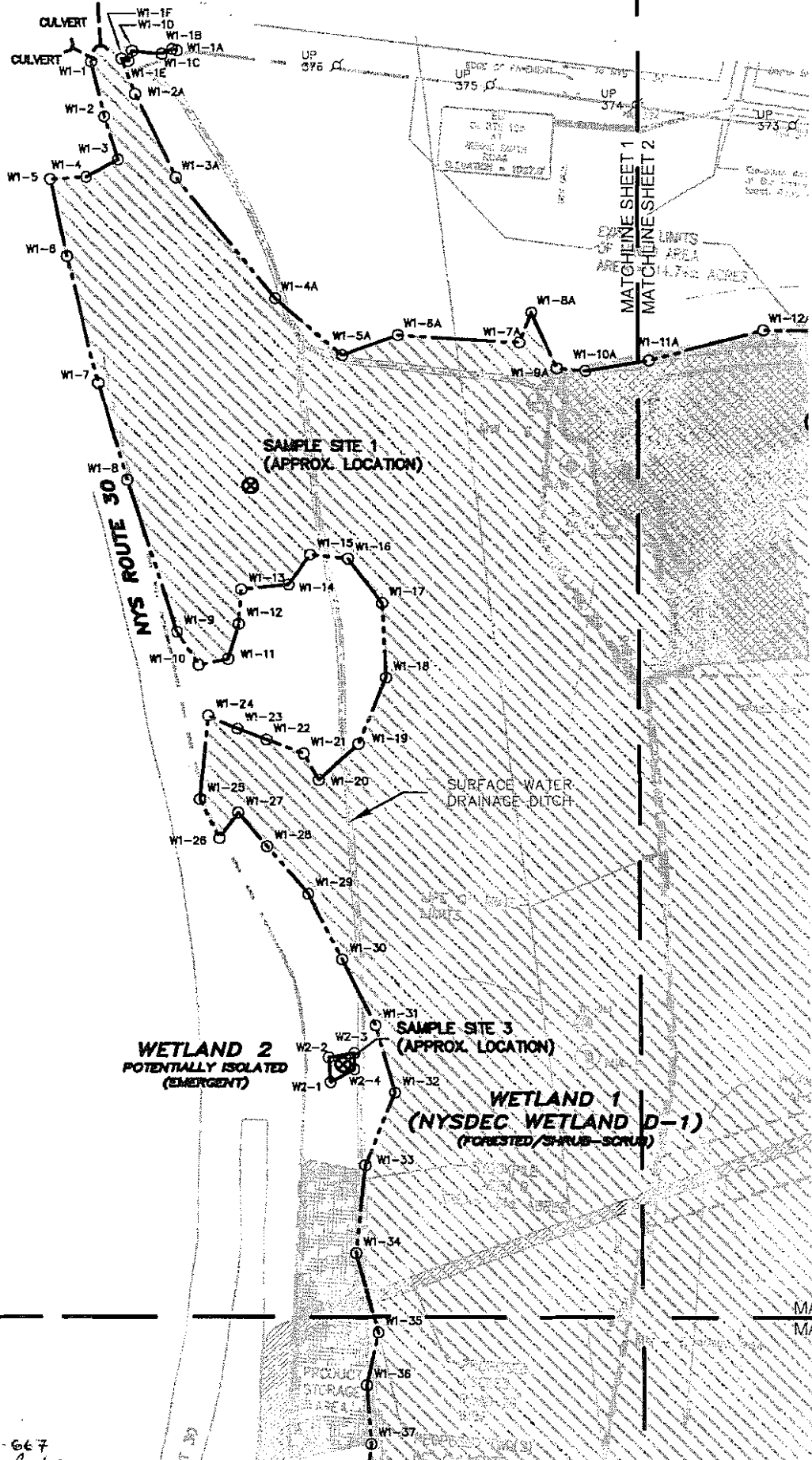
The applicant, Mariaville Peat Company, has requested Department of the Army authorization for the discharge of fill material into waters of the United States to facilitate the continued operation and expansion of an existing peat mine. The project site is 320 acres in size and is located along State Route 159 in the Town of Duanesburg, Schenectady County, New York.

Historic impacts to waters of the United States that have occurred on the site as a result of mining activities total approximately 30 acres of wetland (13 acres of emergent and 17 acres of forested). The mine has been in existence since approximately 1940 and has not received previous permits from the Corps. The proposed work area would encompass approximately 95 acres, 69.5 of which is wetlands. The proposed work would involve the discharge of fill material into a maximum of 0.83 acres of wetlands to facilitate the construction of a 20 foot wide haul road that would extend from the central portion of the site to the western boundary. As a part of the road construction, a temporary stream crossing would be installed within an unnamed tributary to South Chuctanunda Creek to provide access to Old Route 30. The stream crossing would consist of two, 40 foot long by 60-inch diameter culverts. In addition, the proposed peat excavation would adversely impact the remainder of the 69.5 acres of wetland within the work area. The mining activities would be conducted in nine phases. Prior to initiation mining activities, the work areas would be dewatered using a pump system that would discharge water to a drainage ditch with return flow to an unnamed stream located within the northwestern portion of the site. The excavated peat would be stockpiled within uplands adjacent to waters of the United States. The stated purpose of this project is to continue the operation of the existing peat mine.

To mitigate for the proposed impacts to waters of the United States, the applicant proposes to seed the mined areas with a wetland wildflower seed mix and to control invasive species as necessary.

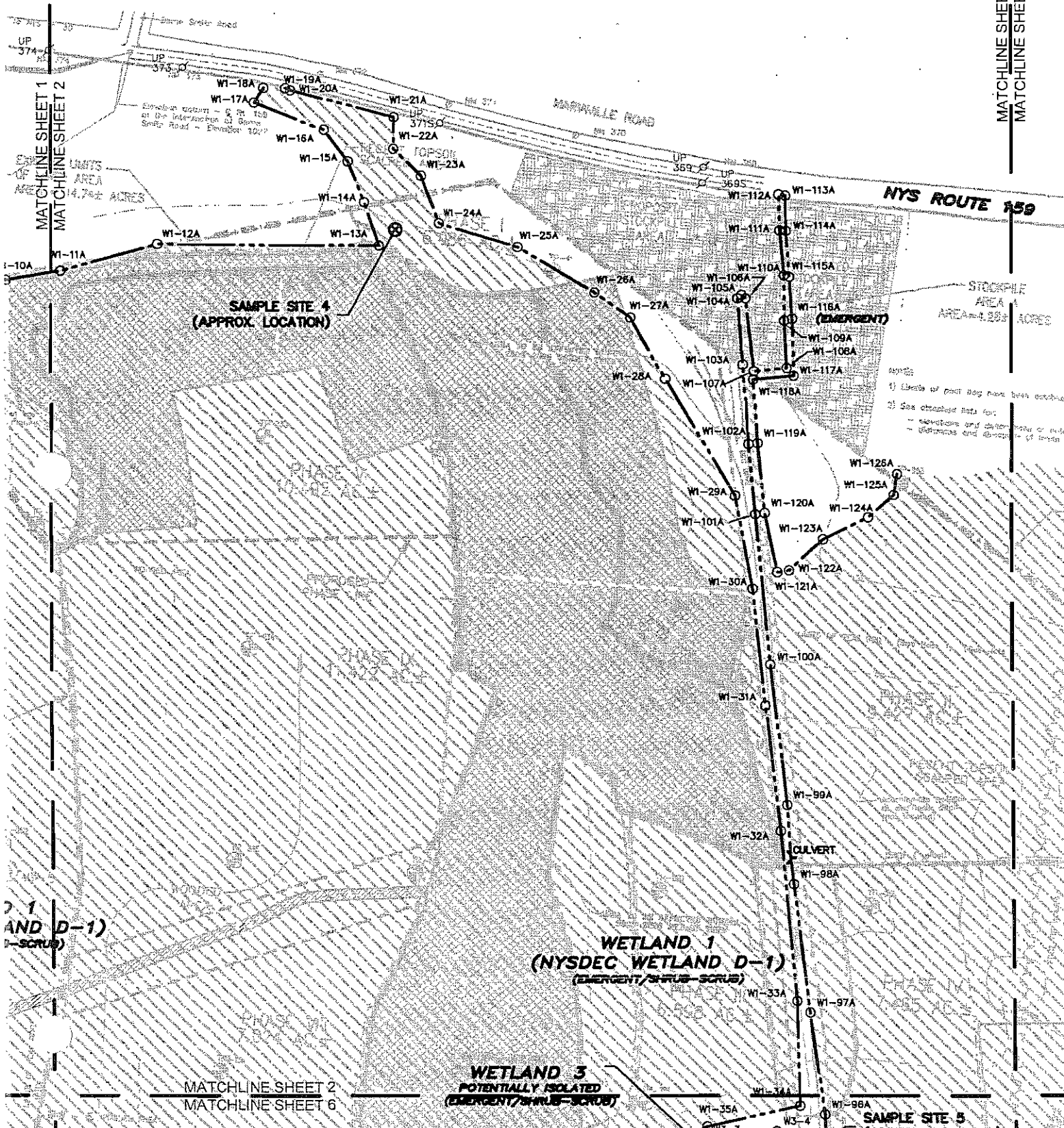


REDUCED COPY
SCALE: 1" = 150'



MATCHLINE SHEET 1
MATCHLINE SHEET 5

REDUCED COPY
 SCALE: 1" = 150'



MATCHLINE SHEET 2
 MATCHLINE SHEET 3

MATCHLINE SHEET 1
 MATCHLINE SHEET 2

W1-10A AND D-1)
 (D-SCRUB)

MATCHLINE SHEET 2
 MATCHLINE SHEET 6

WETLAND 3
 POTENTIALLY ISOLATED
 (EMERGENT/SHRUB-SCRUB)

SAMPLE SITE 5
 (APPROX. LOCATION)

MATCHLINE SHEET 2
MATCHLINE SHEET 3

REDUCED COPY
SCALE: 1" = 150'

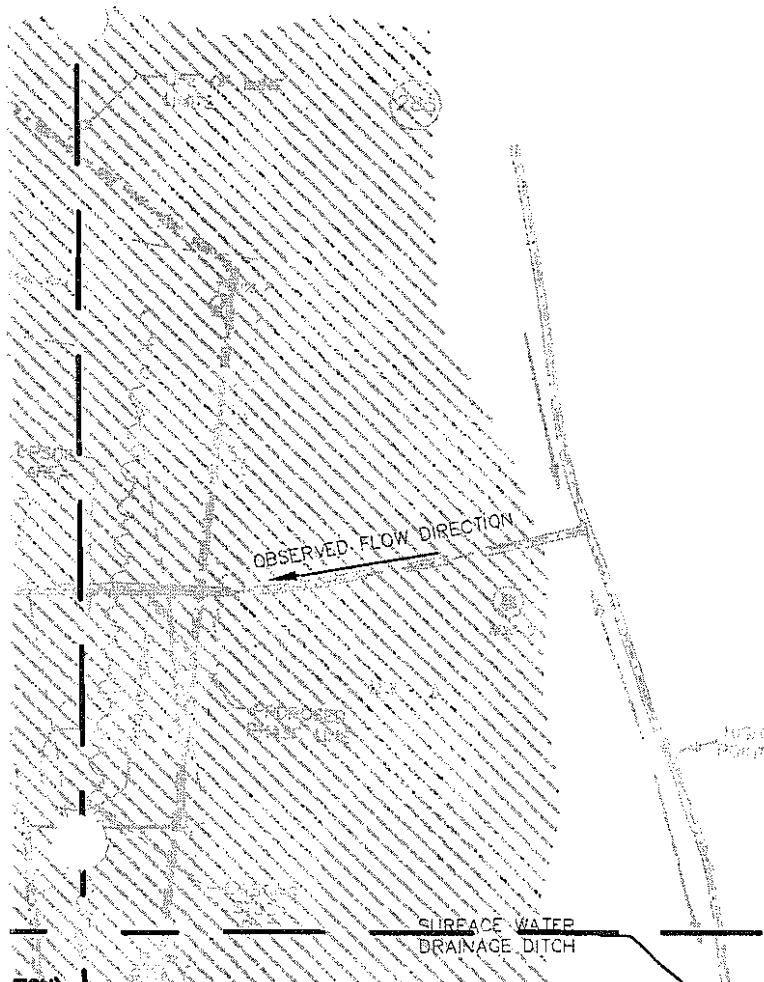
MATCHLINE SHEET 3
MATCHLINE SHEET 4

ITE 150

APPROXIMATE PROPERTY BOUNDARY
(PER TAX MAP)

STOCKPILE
AREA 1
144,294 ACRES

has been established by others
and should not be used for
the purpose of any other map



MATCHLINE SHEET 3
MATCHLINE SHEET 7

AREA SUMMARY

Total Area of Parcel	= 320± Acres
Total Area of Parcel (South of NYS Route 159)	= 263± Acres
Total Regulated Wetlands Delineated by Sterling Environmental (South of NYS Route 159)	= 121.3± Acres
Total Existing Mined Area	= 14.7± Acres
Total Mine Expansion Area	= 71.4± Acres
Total Life of Mine area	= 95.5± Acres

TAX MAP REFERENCE

TOWN OF CHATEAUGUS
 SECTION 35 BLOCK 2 LOT 37

REDUCED COPY
 SCALE: 1" = 150'

LEGEND

	TREE LINE		
	UTILITY POLE		WETLAND FLAG
	EXISTING CONTOUR		DRAINAGE FLAG
	TEST HOLE		UPLAND FLAG
	APPROX. PARCEL BOUNDARY		DELINEATED WETLAND BOUNDARY
	APPROX. DITCH LINE		WETLAND
	DIRT DRIVE		
	MONITORING WELL		
	PROP. INTERN. MINING LIMITS 1980		
	EXISTING LIMITS OF MINE		
	PROPOSED PHASE		
	PROPOSED LIFE OF MINE LIMITS		
	PROPOSED STOCKPILE AREAS AND HAUL ROADS		

AREAS TO BE RECOVERED UNDER THE 2003-2004 PERMIT TERM

PHASE I = 6.068
 PHASE II = 4.492
 TOTAL = 10.560

TEST PIT DATA:

Test Pit Number	Pit Begins (feet)	Pit Ends (feet)	Comments
4	13	8	
44	73	32.04	Should not dig deeper
57	8.0	18.0	

MATCHLINE SHEET 1
MATCHLINE SHEET 5

REDUCED COPY
SCALE: 1" = 150'

265
DRAINAGE RUN 1

DRAINAGE RUN 2

SAMPLE SITE 2
(APPROX. LOCATION)

PROPOSED ACCESS
ROAD FOLLOWING
BIG ROUTE 30.

WETLAND IMPACT AREA SUMMARY

	MINED AREA	WETLAND AREA TO BE MINED
Phase I	6.1± Acres	4.8± Acres
Phase II	9.4± Acres	8.2± Acres
Phase III	6.6± Acres	6.2± Acres
Phase IV	7.5± Acres	6.8± Acres
Phase V	7.6± Acres	3.9± Acres
Phase VI	10.5± Acres	10.2± Acres
Phase VII	11.7± Acres	11.0± Acres
Phase VIII	7.0± Acres	7.0± Acres
Phase IX	11.4± Acres	11.4± Acres
Total	77.8± Acres	69.5± Acres

MAP NOTES:

1. Information shown hereon (c Reference No. 1.
2. Wetlands and other waters (Sterling Environmental perso 20 and 23, 2006.

Application No.: 2405-667
Applicant: Mariaville Peat Co
Drawing No.: 7 of 10

MATCHLINE SHEET 5
MATCHLINE SHEET 6

MATCHLINE SHEET 2
MATCHLINE SHEET 6

WETLAND 3
POTENTIALLY ISOLATED
(EMERGENT/SHRUB-SCRUB)

WETLAND 4
POTENTIALLY ISOLATED
(EMERGENT/SHRUB-SCRUB)

SAMPLE SITE 5
(APPROX. LOCATION)

SAMPLE SITE 6
(APPROX. LOCATION)

SAMPLE SITE 7
(APPROX. LOCATION)

SAMPLE SITE 8
(APPROX. LOCATION)

UPLAND

PROPOSED BOUNDARY LINE

(EMERG)

MATCHLINE SHEET 5
MATCHLINE SHEET 6

MATCHLINE SHEET 5
MATCHLINE SHEET 6

REDUCED COPY
SCALE: 1" = 150'

MAP REFERENCE:

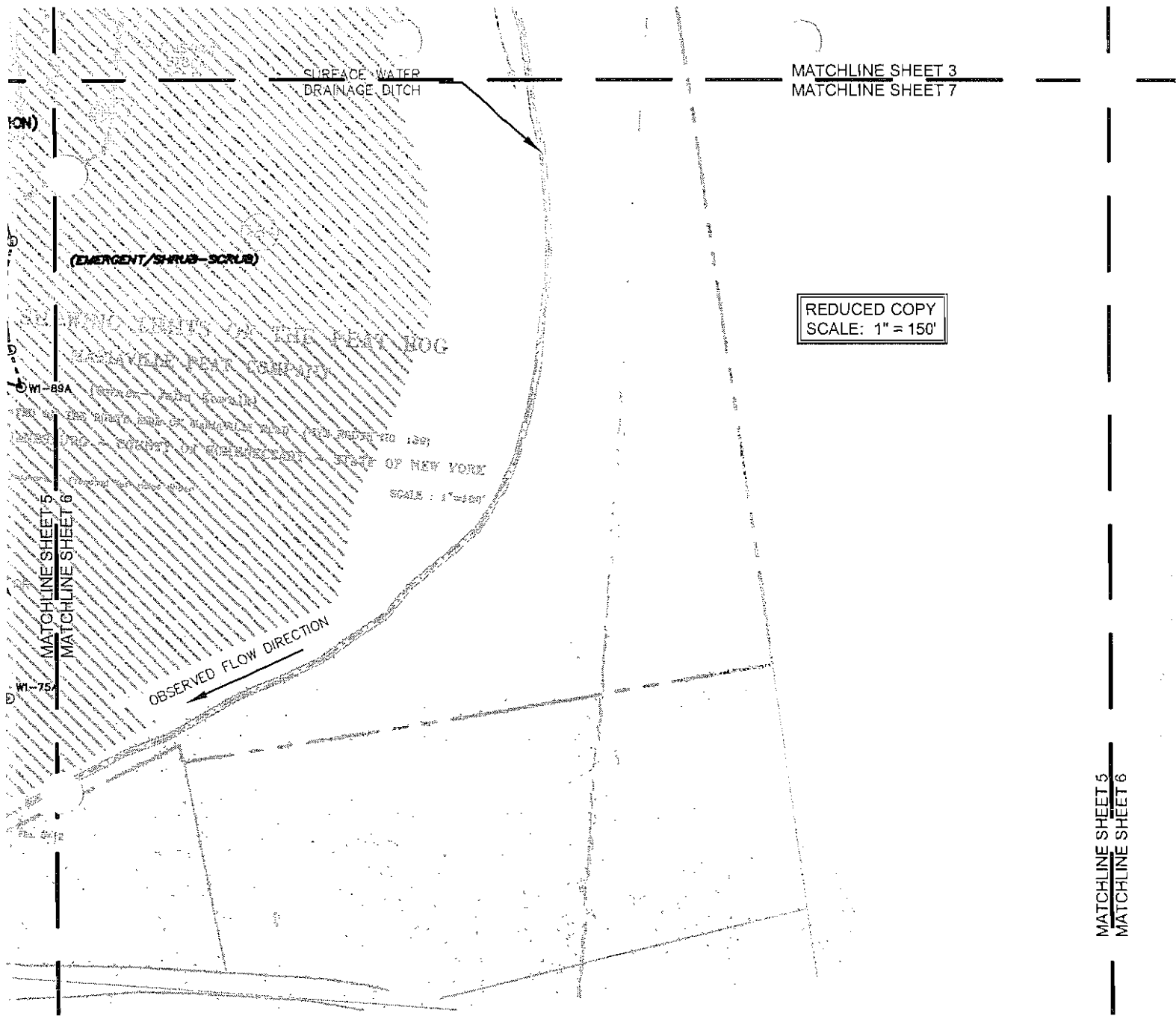
1. "Mining Plan, Mariaville Peat Company, N.Y.S. Route 159 (Mariaville Road), Town of Duaneburg, Schenectady County, New York", prepared by Ingalls, Smart Associates, dated April 9, 2003, last revised April 15, 2003.

Application No.: 2005-667
Applicant: Mariaville Peat Co.
Drawing No.: 8 of 10

UNAL
TO T
SECT
NEW

shown hereon (other than wetlands) is per Map 1.

other waters of the U.S. were delineated by onmental personnel on December 17, 2005, January 2006.



NO.	DATE	RECORD OF WORK	DRN	CKD	APPR	PROJ. E
						PROJ. N
						PREPAR
						DRAFTE
						CHECKE
						APPROV
						DATUM:
						CONTOU

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

Application No.: 2005-667
Applicant: Marville Peat Co
Drawing No. 9 of 10

Test Pit Number	Test Begins (feet)	Test Ends (feet)	Comments
4	0.0	32.0+	Test not for design
57	0.0	14.0	
63	0.0	20.0	Test hole
80	0.0	5.0	
121	0.0	12.0+	Hardwood Depth
131	0.0	3.0	
132	0.0	6.0+	Offset approximately 30' from
133	0.0	3.0	Offset approximately 30' from
134	0.0	11.0	
135	0.0	18.0	Test of offset 120' to
173	0.0	7.0	
173/253	0.0	27.0	Location Indicated between 173 & 253
197	0.0	20.0+	
233	0.0	12.0+	Hand Auger 3/1/95
234	0.0	15.0+	Hand Auger 3/1/95
235	0.0	15.0+	Hand Auger 3/1/95
236	0.0	17.0+	Hand Auger 3/1/95
237	0.0	15.0+	Hand Auger 3/1/95
238	0.0	20.0	
239	0.0	20.0	
240	0.0	20.0	
241	0.0	20.0	
242	0.0	20.0	
243	0.0	20.0	
244	0.0	20.0	
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250	0.0	20.0	
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289	0.0	20.0	
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291	0.0	20.0	
292	0.0	20.0	
293	0.0	20.0	
294	0.0	20.0	
295	0.0	20.0	
296	0.0	20.0	
297	0.0	20.0	
298	0.0	20.0	
299	0.0	20.0	
300	0.0	20.0	

MATCHLINE SHEET 4
MATCHLINE SHEET 8

REDUCED COPY
SCALE: 1" = 150'

MONITORING WELL DATA

WELL NO.	DATE	TIME	WATER LEVEL (feet)
1	10/26/94	10:10	101.44
2	10/25/94	10:10	101.76
3	10/11/94	10:17	101.13
4	10/21/94	10:00	101.20
5	10/26/94	10:00	101.67
6	10/26/94	10:10	100.70

FOR INFORMATION ONLY
NOT FOR CONSTRUCTION

PLATE 1

PROJECT

PROJ. ENGR.: M.P. Millsbaugh, P.E.

PROJ. NO.: 25063

PREPARED BY: T. Dell

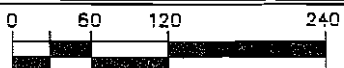
DRAFTED BY: J. White

CHECKED BY:

APPROVED BY:

DATUM:

CONTOUR INTERVAL = FEET



1" = 120'

WETLAND DELINEATION MARIAVILLE PEAT COMPANY

NYS ROUTE 30 AND NYS ROUTE 159 (MARIAVILLE RD.)
TOWN OF DUANESBURG SCHENECTADY CO., N.Y.

STERLING

Sterling Environmental Engineering, P.C.

24 Wade Road • Latham, New York 12110

DATE: 2/13/06 SCALE: 1" = 120' DWG. NO. 25063002 SHEET 1 OF 1

Application No: 2005-667
Applicant: Mariaville Peat Co.
Drawing No: 10 of 10